

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Case No.
v.)	
)	
)	
MED PLUS STAFFING LLC,)	
)	
Defendant.)	
)	

COMPLAINT

COMES NOW the Plaintiff, UNITED STATES OF AMERICA, on behalf of the U.S. Department of The Treasury and the U.S. Department of Health and Human Services Centers for Medicare & Medicaid Services, by and through its attorneys, Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Anthony J. Debre, Assistant United States Attorney for said District, and for its Complaint and causes of action against Defendant, MED PLUS STAFFING LLC, states as follows:

JURISDICTION

1. This is a civil debt collection action stemming from Defendant's failure to repay Medicare benefit overpayments, and this action is brought pursuant to the Federal Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, *et. seq.*

2. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §1345.

VENUE

3. Venue is proper in the Eastern District of Missouri pursuant to 28 U.S.C. §1391.
4. Venue is proper in the Eastern Division pursuant to this Court's Local Rule 2.07(A)(1).

PARTIES

5. Plaintiff is the United States of America ("Plaintiff").
6. Defendant Med Plus Staffing LLC ("Defendant") is a Missouri limited liability company that conducts business in the State of Missouri, including within the boundaries of the Eastern District of Missouri.

GENERAL ALLEGATIONS COMMON TO ALL COUNTS

7. Defendant has failed to repay multiple Medicare benefit overpayments.
8. These overpayments related to specific Home Health medical services rendered to various Medicare beneficiaries and paid by the Centers for Medicare & Medicaid Services ("CMS").
9. In particular, the final Home Health episode payments pertained to services that were not covered by the Medicare Program (42 C.F.R. 405) and therefore should not have been billed by the Defendant to the program.
10. Plaintiff sent Defendant numerous letters demanding repayment of the funds.
11. Defendant failed to respond to Plaintiff's demand letters and failed to make payment.
12. Five delinquent debts owed to Plaintiff arose due to Defendant's failure to repay the Medicare benefit overpayments.
13. The five delinquent debts are subject to 10.25% annual interest on the unpaid balances in accordance with 31 U.S.C. 3717(a) and 42 C.F.R. 405.378, and interest will continue to accrue at the 10.25% annual rate.

14. The total of all five delinquent debts owed by Defendant to Plaintiff, including principal, interest, penalties, and/or fees, exceeds \$24,528.48.

COUNT I – Treasury Case/Claim No. 27343157 - \$2,892.39

15. Plaintiff realleges and incorporates by reference the above paragraphs as if recited verbatim herein.

16. Defendant is indebted to Plaintiff in an amount in excess of \$2,892.39, which includes a principal amount of \$2,408.92; interest of \$483.47 that has accrued through July 27, 2020; plus additional sums owed in interest accruing at 10.25% annually, as well as costs and attorneys' fees accrued while pursuing this action. Attached hereto as Exhibit 1 is the Certificate of Indebtedness dated July 27, 2020.

17. This debt arose in connection with Defendant's failure to repay Medicare benefit overpayments related to medical services rendered to Medicare beneficiary patient no. 450413895 from 02/14/18 to 03/7/18 and medical services rendered to patient no. 450412764 from 02/14/18 to 03/12/18. These medical services were paid for by CMS on 04/10/18 and 04/23/18 respectively. These payments pertained to services that were not covered by the Medicare Program (42 C.F.R. 405) and therefore should not have been billed by the Defendant to the program.

18. On August 2, 2018, CMS sent Defendant a demand letter seeking payment of the above-referenced debt along with an invoice referencing the aforementioned overpayments. Attached hereto as Exhibit 2 is the CMS demand letter dated August 2, 2018 and the invoice.

19. Defendant failed to respond to CMS and failed to repay the aforesaid sums.

20. On December 17, 2018, in an effort to collect this debt, the Department of Treasury's Bureau of Fiscal Service ("Fiscal Service") sent Defendant a demand letter seeking payment of

the above-referenced debt. Attached hereto as Exhibit 3 is the Fiscal Service demand letter dated December 17, 2018.

21. Defendant again failed to repay the aforesaid sums.

22. On December 27, 2018, Coast Professional, Inc. (“Coast”), a private collection agency, on behalf of Fiscal Service, sent Defendant a demand letter seeking payment of the above-referenced debt. Attached hereto as Exhibit 4 is the Coast demand letter dated December 27, 2018.

23. Defendant failed to respond to Coast and failed to repay the aforesaid sums.

24. On September 9, 2020, the U.S. Department of Justice (“DOJ”) sent Defendant a Demand for Payment letter seeking payment of the above-referenced debt. Attached hereto as Exhibit 5 is the DOJ Demand for Payment letter dated September 9, 2020.

25. Defendant failed to respond to the DOJ.

26. Defendant has failed to repay the aforesaid sums although demand has been duly made.

WHEREFORE, the Plaintiff, UNITED STATES OF AMERICA, prays for judgment against Defendant, MED PLUS STAFFING LLC, in sum of \$2,892.39 plus additional sums owed in interest accruing at 10.25% annually, as well as costs and attorneys’ fees accrued while pursuing this action, and for such other and further relief as this Court may deem proper.

COUNT II – Treasury Case/Claim No. 27654558 - \$6,192.94

27. Plaintiff realleges and incorporates by reference the above paragraphs as if recited verbatim herein.

28. Defendant is indebted to Plaintiff in an amount in excess of \$6,192.94, which includes a principal amount of \$5,183.27; interest of \$1,009.67 that has accrued through July 28, 2020; plus additional sums owed in interest accruing at 10.25% annually, as well as costs and attorneys’ fees

accrued while pursuing this action. Attached hereto as Exhibit 6 is the Certificate of Indebtedness dated July 28, 2020.

29. This debt arose in connection with Defendant's failure to repay Medicare benefit overpayments related to medical services rendered to Medicare beneficiary patient no. 450410332 on 01/17/18 and medical services rendered to patient no. 451947250 from 02/20/18 to 03/09/18. These medical services were paid for by CMS on 04/10/18 and 04/13/18 respectively. These payments pertained to services that were not covered by the Medicare Program (42 C.F.R. 405) and therefore should not have been billed by the Defendant to the program.

30. On August 16, 2018, CMS sent Defendant a demand letter seeking payment of the above-referenced debt along with an invoice referencing the aforementioned overpayments. Attached hereto as Exhibit 7 is the CMS demand letter dated August 16, 2018 and the invoice.

31. Defendant failed to respond to CMS and failed to repay the aforesaid sums.

32. On January 7, 2019, in an effort to collect this debt, Fiscal Service sent Defendant a demand letter seeking payment of the above-referenced debt. Attached hereto as Exhibit 8 is the Fiscal Service demand letter dated January 7, 2019.

33. Defendant again failed to repay the aforesaid sums.

34. On April 10, 2019, Coast, a private collection agency, on behalf of Fiscal Service, sent Defendant a demand letter seeking payment of the above-referenced debt. Attached hereto as Exhibit 9 is the Coast demand letter dated April 10, 2019.

35. Defendant failed to respond to Coast and failed to repay the aforesaid sums.

36. On November 14, 2019, Coast sent Defendant a second demand letter seeking payment of the above-referenced debt. Attached hereto as Exhibit 10 is the Coast demand letter dated November 14, 2019.

37. Defendant again failed to respond to Coast and failed to repay the aforesaid sums.

38. On September 9, 2020, the DOJ sent Defendant a Demand for Payment letter seeking payment of the above-referenced debt. Attached hereto as Exhibit 11 is the DOJ Demand for Payment letter dated September 9, 2020.

39. Defendant failed to respond to the DOJ.

40. Defendant has failed to repay the aforesaid sums although demand has been duly made.

WHEREFORE, the Plaintiff, UNITED STATES OF AMERICA, prays for judgment against Defendant, MED PLUS STAFFING LLC, in sum of \$6,192.94 plus additional sums owed in interest accruing at 10.25% annually, as well as costs and attorneys' fees accrued while pursuing this action, and for such other and further relief as this Court may deem proper.

COUNT III – Treasury Case/Claim No. 27343159 - \$4,629.95

41. Plaintiff realleges and incorporates by reference the above paragraphs as if recited verbatim herein.

42. Defendant is indebted to Plaintiff in an amount in excess of \$4,629.95, which includes a principal amount of \$3,856.05; interest of \$773.90 that has accrued through July 27, 2020; plus additional sums owed in interest accruing at 10.25% annually, as well as costs and attorneys' fees accrued while pursuing this action. Attached hereto as Exhibit 12 is the Certificate of Indebtedness dated July 28, 2020.

43. This debt arose in connection with Defendant's failure to repay Medicare benefit overpayments related to medical services rendered to Medicare beneficiary patient no. 409689529 from 08/24/17 to 10/22/17. These medical services were paid for by CMS on 11/20/17. These payments pertained to services that were not covered by the Medicare Program (42 C.F.R. 405) and therefore should not have been billed by the Defendant to the program.

44. On July 26, 2018, CMS sent Defendant a demand letter seeking payment of the above-referenced debt along with an invoice referencing the aforementioned overpayments. Attached hereto as Exhibit 13 is the CMS demand letter dated July 26, 2018 and the invoice.

45. Defendant failed to respond to CMS and failed to repay the aforesaid sums.

46. On December 17, 2018, in an effort to collect this debt, Fiscal Service sent Defendant a demand letter seeking payment of the above-referenced debt. Attached hereto as Exhibit 14 is the Fiscal Service demand letter dated December 17, 2018.

47. Defendant again failed to repay the aforesaid sums.

48. On December 27, 2018, Coast, a private collection agency, on behalf of Fiscal Service, sent Defendant a demand letter seeking payment of the above-referenced debt. Attached hereto as Exhibit 15 is the Coast demand letter dated December 27, 2018.

49. Defendant failed to respond to Coast and failed to repay the aforesaid sums.

50. On September 9, 2020, the DOJ sent Defendant a Demand for Payment letter seeking payment of the above-referenced debt. Attached hereto as Exhibit 16 is the DOJ Demand for Payment letter dated September 9, 2020.

51. Defendant failed to respond to the DOJ.

52. Defendant has failed to repay the aforesaid sums although demand has been duly made.

WHEREFORE, the Plaintiff, UNITED STATES OF AMERICA, prays for judgment against Defendant, MED PLUS STAFFING LLC, in sum of \$4,629.95 plus additional sums owed in interest accruing at 10.25% annually, as well as costs and attorneys' fees accrued while pursuing this action, and for such other and further relief as this Court may deem proper.

COUNT IV – Treasury Case/Claim No. 25693016 - \$3,762.45

53. Plaintiff realleges and incorporates by reference the above paragraphs as if recited verbatim herein.

54. Defendant is indebted to Plaintiff in an amount in excess of \$3,762.45, which includes a principal amount of \$3,128.63; interest of \$633.82 that has accrued through July 27, 2020; plus additional sums owed in interest accruing at 10.25% annually, as well as costs and attorneys' fees accrued while pursuing this action. Attached hereto as Exhibit 17 is the Certificate of Indebtedness dated July 28, 2020.

55. This debt arose in connection with Defendant's failure to repay Medicare benefit overpayments related to medical services rendered to Medicare beneficiary patient no. 426292405 on 12/15/17 and medical services rendered to patient no. 451909306 from 01/29/18 to 03/12/18. These medical services were paid for by CMS on 01/16/18 and 02/28/18 respectively. These payments pertained to services that were not covered by the Medicare Program (42 C.F.R. 405) and therefore should not have been billed by the Defendant to the program.

56. On July 5, 2018, CMS sent Defendant a demand letter seeking payment of the above-referenced debt along with an invoice referencing the aforementioned overpayments. Attached hereto as Exhibit 18 is the CMS demand letter dated July 05, 2018 and the invoice.

57. Defendant failed to respond to CMS and failed to repay the aforesaid sums.

58. On September 10, 2018, in an effort to collect this debt, Fiscal Service sent Defendant a demand letter seeking payment of the above-referenced debt. Attached hereto as Exhibit 19 is the Fiscal Service demand letter dated September 10, 2018.

59. Defendant again failed to repay the aforesaid sums.

60. On November 29, 2018, Coast, a private collection agency, on behalf of Fiscal Service, sent Defendant a demand letter seeking payment of the above-referenced debt. Attached hereto as Exhibit 20 is the Coast demand letter dated November 29, 2018.

61. Defendant failed to respond to Coast and failed to repay the aforesaid sums.

62. On September 9, 2020, the DOJ sent Defendant a Demand for Payment letter seeking payment of the above-referenced debt. Attached hereto as Exhibit 21 is the DOJ Demand for Payment letter dated September 9, 2020.

63. Defendant failed to respond to the DOJ.

64. Defendant has failed to repay the aforesaid sums although demand has been duly made.

WHEREFORE, the Plaintiff, UNITED STATES OF AMERICA, prays for judgment against Defendant, MED PLUS STAFFING LLC, in sum of \$3,762.45 plus additional sums owed in interest accruing at 10.25% annually, as well as costs and attorneys' fees accrued while pursuing this action, and for such other and further relief as this Court may deem proper.

COUNT V – Treasury Case/Claim No. 27887356 - \$7,050.75

65. Plaintiff realleges and incorporates by reference the above paragraphs as if recited verbatim herein.

66. Defendant is indebted to Plaintiff in an amount in excess of \$7,050.75, which includes a principal amount of \$5,920.70; interest of \$1,130.05 that has accrued through July 27, 2020; plus additional sums owed in interest accruing at 10.25% annually, as well as costs and attorneys' fees accrued while pursuing this action. Attached hereto as Exhibit 22 is the Certificate of Indebtedness dated July 28, 2020.

67. This debt arose in connection with Defendant's failure to repay Medicare benefit overpayments related to medical services rendered to Medicare beneficiary patient no. 447482564

on 02/14/18; medical services rendered to patient no. 450409325 on 02/20/18; and medical services rendered to patient no. 418919784 on 12/04/17. These medical services were paid for by CMS on 04/10/18, 04/10/18, and 04/20/18 respectively. These payments pertained to services that were not covered by the Medicare Program (42 C.F.R. 405) and therefore should not have been billed by the Defendant to the program.

68. On September 6, 2018, CMS sent Defendant a demand letter seeking payment of the above-referenced debt along with an invoice referencing the aforementioned overpayments. Attached hereto as Exhibit 23 is the CMS demand letter dated September 6, 2018 and the invoice.

69. Defendant failed to respond to CMS and failed to repay the aforesaid sums.

70. On January 21, 2019, in an effort to collect this debt, Fiscal Service sent Defendant a demand letter seeking payment of the above-referenced debt. Attached hereto as Exhibit 24 is the Fiscal Service demand letter dated January 21, 2019.

71. Defendant again failed to repay the aforesaid sums.

72. On February 6, 2019, Coast, a private collection agency, on behalf of Fiscal Service, sent Defendant a demand letter seeking payment of the above-referenced debt.

73. Defendant failed to respond to Coast and failed to repay the aforesaid sums.

74. On September 9, 2020, the DOJ sent Defendant a Demand for Payment letter seeking payment of the above-referenced debt. Attached hereto as Exhibit 25 is the DOJ Demand for Payment letter dated September 9, 2020.

75. Defendant failed to respond to the DOJ.

76. Defendant has failed to repay the aforesaid sums although demand has been duly made.

WHEREFORE, the Plaintiff, UNITED STATES OF AMERICA, prays for judgment against Defendant, MED PLUS STAFFING LLC, in sum of \$7,050.75 plus additional sums owed

in interest accruing at 10.25% annually, as well as costs and attorneys' fees accrued while pursuing this action, and for such other and further relief as this Court may deem proper.

DATED: January 5, 2021

Respectfully submitted,

SAYLER A. FLEMING
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